

Message Text

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71

ORIGIN L-03

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DRAFTED BY L:GHALDRICH:GM

APPROVED BY L:GHALDRICH

D/PW:FASIEVERTS

DOD/ISA:RSHIELDS

EA:MSTEARNES

S/S:SRGAMMON

WHITE HOUSE - MR. STEARMAN

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R 251954Z SEP 73

FM SECSTATE WASHDC

TO AMEMBASSY SAIGON

INFO CHIEF USDEL FPJMT SAIGON

JCRC NKP THAI

CINCPAC HONOLULU HI

C O N F I D E N T I A L STATE 190627

E.O.11652: GDS

TAGS: PFOR, MOPS, VS, VN

SUBJECT: REQUEST FOR INFORMATION ON MIA PROVISIONS OF
VIET-NAM AGREEMENT

REF: A. FPJMT MSG 121230Z SEP 73

B. TOMBAUGH/SIEVERTS LETTER 15 AUG 73

1. NEGOTIATING HISTORY OF ART. 8(B) OF VIET-NAM AGREEMENT
AND ART. 10 OF PROTOCOL CONCERNING RETURN OF CAPTURED PER-
SONNEL DOES NOT CAST SIGNIFICANT LIGHT UPON INTENT OF
NEGOTIATORS CONCERNING REFERENCES TO GRAVES AND REMAINS.
ART. 8(B) OF AGREEMENT WAS NEGOTIATED IN KISSINGER-LE DUC
THO MEETINGS IN OCTOBER 1972 WHEN MOST OF AGREEMENT WAS
QUICKLY WORKED OUT. NEGOTIATING HISTORY FOR THOSE SES-
SIONS IS NOT AVAILABLE. ART. 10 OF PROTOCOL WAS
NEGOTIATED IN JANUARY 1973, AND REVIEW OF HISTORY SHOWS
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THAT 10(A) WAS US PROPOSAL WHICH WAS ACCEPTED WITHOUT

DISCUSSION BY DRV WHO PROPOSED ADDING PARA (B). US NEGOTIATORS ACCEPTED DRV PROPOSAL FOR PARA (B) WITHOUT DISCUSSION ON JANUARY 15, 1973.

2. WITH RESPECT TO QUESTION REFTTEL CONCERNING PARA 8(D) OF JUNE 13, 1973 COMMUNIQUE, US NEGOTIATORS UNDERSTOOD THAT PARA AS RELATING TO SOUTH VIETNAMESE CIVILIANS, NOT REPEA NOT SOUTH VIETNAMESE MILITARY PERSONNEL. MILITARY PERSONNEL OF ALL FOUR PARTIES ARE COVERED BY PARA 8(E). PARA 8(D) WAS INTENDED SIMPLY AS SHORTHAND FORMULA TO DESCRIBE OBLIGATIONS IN ART. 10(B) OF PROTOCOL. WE BELIEVE THIS WAS CLEARLY UNDERSTOOD BY DRV. RUSH

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